

SECTION X - INTERSTATE APPEALS

1. Introduction. This section contains procedural instructions for processing interstate appeals from monetary and nonmonetary determinations. All interstate appeals will be processed for hearings to be conducted by telephone from the Liable State. With few exceptions, telephone hearings will be conducted on all interstate appeals.

All interstate appeals from monetary and nonmonetary determinations are the responsibility of the Liable State. If the Liable State determines that an interstate hearing cannot be conducted by telephone, the Liable State's appeal unit will assemble the claim documents and send them to the Agent State appeals section with the request to conduct an in-person hearing on their behalf.

2. Agent State Assistance

a. Appeals - Nonmonetary determinations. When a claimant disagrees with a nonmonetary determination and contacts the Agent State for assistance, the Agent State should review the determination with the claimant to ensure that he/she understands it. If after the review the claimant wants to file an appeal, the State should assist the claimant in preparing the appeal. This may be done by completing a Fact Finding Report, Form IB-11 or advising the claimant that the following information should be included in a letter to the Liable State:

- o Claimant's name, address and telephone number, Social security number, Claimant's signature and date; and
- o Identification of the determination being appealed and a statement with reasons for disagreeing with the determination.

b. Appeals - Monetary Determinations/Wage Transfers. When a claimant disagrees with a monetary determination or results of a wage transfer request, the Agent State should review all available information to determine the course of action to follow.

(1) Appeal of Monetary Determination. If the claimant contends the determination was based on incorrect earnings or weeks of work, the Agent State should assist the claimant in preparing an Interstate Request for Reconsideration of a Monetary Determination/Wage Transfer, Form IB-14 and attach all available proof of earnings, unless the Liable State has acknowledged the wages and denied their use.

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When wages are not included in the monetary determination or a wage transfer because a determination was previously issued denying their use, and the claimant still wants to appeal, assist the claimant in preparing an appeal, using a Fact Finding Report, Form IB-11, or advise the claimant to prepare a letter of appeal and mail it to the Liable State.

When the claimant disagrees with employment and wages used on a combined wage claim or a response to a Request for Transfer of Wages, TC-IB4, of "no wages available", the paying State should prepare a request for reconsideration, including any proof of wages to the transferring State, using an IB-14. When the paying State is operating in a remote claimstaking environment, it may have the proof of wages mailed to it for attachment to IB-14 or it may advise the claimant of how to request reconsideration directly with the transferring State, ensuring the transferring State recognizes that request pertains to a TC-IB4 response and not an appealable determination.

c. Request for Redetermination of Nonmonetary Determination. Some States do not accept appeals from determinations. Instead, they require claimants to request a redetermination. To determine if the Liable State requires this procedure, consult the Handbook for Interstate Claims Taking. In such cases, assist the claimant in preparing a request or advise the claimant to write a letter to the Liable State being sure to include the information as stated in (a) above.

d. Appeals Filed by Mail through the Agent-State Claims Office. Upon receiving a mailed appeal from a claimant, the Agent State should make a note of the appeal on the claimant's Agent State record and forward the appeal letter to the Liable State. The date the Agent State received the request should be shown on the letter.

e. Appeals by Employers. The Liable State appeals section will schedule hearings which may be needed in connection with an appeal filed by an employer from a determination on an interstate claim. If an employer files an appeal of a Liable State determination with the Agent-State, that office should send the appeal to the Liable State and inform the employer that his/her appeal was sent to the Liable State for consideration. If an employer asks an Agent State for procedures on filing an appeal from the determination or redetermination made by another State on an interstate claim, the Agent State should advise the employer to mail the appeal to the Liable State and supply the

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address.

3. Liabile State Procedures

a. Receipt of an Appeal. When the Liabile State receives an appeal, it should assemble the records involved in the claimant's appeal. The materials normally include the record of payments to the claimant; the claimant's Forms IB-1 and 2, separation information received from the employer; all Fact Finding Reports (Forms IB-3, IB-11, IB-11S); a copy of the appealed determination; and any related correspondence or forms.

b. Review for Reconsideration. The Liabile State should always review records for possible reconsideration of an appealed determination. If an internal review of the record shows that the appealed determination should be reconsidered and benefits should be allowed or denied, a redetermination should be issued to all interested parties.

If the Liabile State law requires a formal withdrawal of the appellant's appeal, the Interstate Claims Unit should ask the appellant to file such withdrawal.

If the internal review shows that the appealed determination should not be reconsidered, the Liabile State will then follow its procedures for sending cases to its appeals unit.

c. Appeals Filed by Mail Directly with the Liabile State. When a claimant mails an appeal to the Liabile State, the Liabile State should acknowledge receipt and advise the claimant that notification will be sent of the date, time, and place of the hearing on the appeal.

When a claimant appeals a determination to a Liabile State which only accepts appeals from redeterminations, that State should notify the claimant that the determination will be reconsidered, and that the claimant should file an appeal after receiving the redetermination if he/she still disagrees.

d. Scheduling the Liabile State Hearing. Any hearing within the Liabile State, or outside the Liabile State, which is necessary in order to obtain the parties' testimony and evidence must be scheduled in the same order as intrastate appeals received at the same time.

e. Notice of the Liabile State Hearing. Notices of hearing

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must be sent to all interested parties.

f. Issuing the Decision. The Liable State appeals section will mail simultaneously its decision to the claimant, the employer, and other interested parties.